

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00348

**Alton Curley Adams,**  
*Petitioner,*

v.

**Director, TDCJ-CID,**  
*Respondent.*

**ORDER**

This habeas corpus action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b). Doc. 2. On October 18, 2021, the magistrate judge ordered the petitioner to show cause within thirty days why his challenge to his 1999 conviction is not barred by the applicable statute of limitations. Doc. 13. The petitioner did not comply with that order.

On March 2, 2022, the magistrate judge issued a report recommending that the petitioner's case be dismissed without prejudice due to his failure to comply with the court's order. Doc. 29. Petitioner filed a timely written objection. Doc. 30.

The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The magistrate judge recommended dismissal because the petitioner failed to comply with the order to address the apparent untimeliness of his petition. The petitioner's objection argues the merits of his underlying challenge to his 1999 conviction, but it does not address its timeliness as ordered by the court. Doc. 30-1.

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court overrules petitioner's objections and accepts the report's findings and recommendation. The petitioner's case is dismissed without prejudice due to his failure to comply with the orders of the court and to take the steps necessary to prosecute his claim.

*So ordered by the court on May 2, 2022.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge